



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

05 2011

Mr. W. Mark Poling  
Manager of Engineering and Environmental Compliance  
ABC Coke  
P.O. Box 10246  
900 Huntsville Avenue  
Birmingham, Alabama 35202

SUBJ: Request for Information Pursuant to Section 3007 of RCRA  
ABC Coke, Tarrant, Alabama

Dear Mr. Poling:

The United States Environmental Protection Agency is investigating the nature and extent of hazardous waste practices at ABC Coke located in Birmingham, Alabama. Specifically, the EPA is seeking information concerning ABC Coke's possible receipt and/or treatment of hazardous wastes. As a follow up to the May 4-6, 2011, EPA National Enforcement Investigations Center (NEIC) RCRA Inspection, the EPA Region 4 is requesting documentation that was unavailable or not provided at the time of the inspection.

Pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, you are hereby directed to respond to the Information Request enclosed herein as Enclosure C within thirty (30) calendar days of your receipt of this letter.

Compliance with this request for information is mandatory, and information provided by you may be used by the EPA in civil or criminal proceedings. Failure to respond fully and truthfully to each and every question or information request within thirty (30) calendar days of your receipt of this letter, or to adequately justify such failure to respond, may result in enforcement action against you by the EPA pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

Please be further advised that submittal of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under Section 3008(d) of RCRA, 42 U.S.C. § 6928(d).

Your response to this request for information should be mailed to:

Larry L. Lamberth, Chief  
South Enforcement and Compliance Section  
RCRA and OPA Enforcement and Compliance Branch  
RCRA Division  
U.S. EPA, Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

Docket No. 1055257

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described in 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted a suitable notice employing language such as "trade secret" or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim. You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

This Information Request is not subject to the approval requirement of the Paper Reduction Act of 1980, 44 U.S.C. § 3501 et seq. Should you have any technical questions on this matter, please contact Paula A. Whiting of my staff, at (404) 562-9277.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank S. Ney', with a horizontal line extending to the right.

Frank S. Ney, Acting Chief  
RCRA and OPA Enforcement and Compliance Branch  
RCRA Division

Enclosures

cc: Mrs. Linda TeKrony, NEIC  
Mr. Clethes Stallworth, ADEM

## ENCLOSURE A

### Instructions:

1. Identify the person(s) responding to these Information Requests on behalf of Respondent.
2. A separate response must be made to each of the Information Requests set forth herein.
3. Precede each answer with the number of the Information Request to which it corresponds.
4. In answering each Information Request, identify all documents and persons consulted, examined, or referred to in the preparation of each response and provide true and accurate copies of all such documents.
5. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA thereof as soon as possible.
6. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Request to which it responds.
7. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
8. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
9. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.



## ENCLOSURE C

### Information Request:

1. State Respondent's legal business name. If Respondent is incorporated, provide the state of incorporation, and date of organization.
2. Identify all branches, subsidiaries and parents of Respondent.
3. Describe the nature of Respondent's business, including Respondent's agents, contractors, employees and/or owners thereof.
4. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the Respondent's characterization of spent materials, including recyclables, to ABC Coke's specifications, recycling of materials, and disposal of all waste.
5. Provide a schematic diagram or flow chart that fully describes and/or illustrates the Respondent's operations.
6. Please provide a list of disposal facilities the Respondent has used for the last three years, to transport, store and dispose of wastes. List the name, address, phone number and contact person for each disposal facility.
7. Please provide a list of transporters the Respondent has employed, for the last three years, to transport wastes. List the name, address, phone number and contact person at each company.
8. Please provide a complete list and quantities of all spent materials (i.e., scrap metal, aerosol cans, batteries, fluorescent bulbs, etc.) generated by the Respondent. Separate the quantities into monthly amounts for the last 3 years.
9. Please provide documentation for offsite transfers of spent material generated from ABC Coke to offsite disposal/recycling facilities for the last 3 years.
10. For the past three years please provide the following:
  - Complete list of shipments of spent materials sent out by the Respondent.
  - Copies of all records of generated spent material maintained by the Respondent (including but not limited to manifests, logbooks, receipts, invoices, tests, analyses and analytic results.)
  - Describe how the spent material generated by Respondent is analyzed, stored, and tracked.
  - Provide the waste profiles for all spent materials transported, stored and disposed of by the Respondent.
  - Describe how and where each type of spent material was disposed of and/or recycled.
  - Provide documentation for all spent material shipped to an EPA approved facility.

11. Please provide material safety data sheets (MSDSs) for all materials used onsite that are contained in aerosol cans. Include information for all aerosolized materials used in the last 3 years. Also include MSDSs for:
  - Seymour Enamel – Engine Enamel
  - Industrial Choices – Precision Line Inverted Marking Paint
12. Please provide usage information for the materials contained in aerosol cans. Divide the usage information into monthly amounts for the last 3 years.
13. Please provide MSDSs for the following materials:
  - Degreaser (American Continental Techlabs, LLC)
  - Drain Pipe Cleaner
  - Mean Green Cleaner
  - Liquid Wrench
  - Anti-Seize
  - Contac Cleaner
  - Tap Magic
  - Safety Kleen Parts Washer Solvent
  - Technaclean (American Continental Techlabs, LLC)
  - Pipe Drain Cleaner (Richardson Hardware Company, Birmingham, AL)
14. For the materials listed in Question 13, provide a description of how the material is used in the plant, size and kind of containers arriving at ABC Coke, how any used or spent material is handled, including handling of aerosol cans.
15. Please provide documentation for offsite transfers of material listed in Question 13 from ABC Coke to offsite facilities for the last 3 years.
16. Please provide usage information for the materials listed in Question 13. Break the usage information into monthly amount for the last 3 years.

